Decision for dispute CAC-UDRP-107602

Case number	CAC-UDRP-107602
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Domain names	saint-gobaain.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	COMPAGNIE DE SAINT-GOBAIN

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	allisonade08

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant owns the registered trademark “SAINT-GOBAIN” registered worldwide, such as:

Trademark Name	Registration Number	Registration Date
SAINT-GOBAIN	740184	July 26, 2000
SAINT-GOBAIN	740183	July 26, 2000
SAINT-GOBAIN	596735	November 2, 1992
SAINT-GOBAIN	551682	July 21, 1989

The Complainant also owns many domain names including its trademark “SAINT-GOBAIN”, such as the domain name <saint-

gobain.com> registered on December 29, 1995.

The Complainant also commonly uses “SAINT-GOBAIN” to designate its company name.

FACTUAL BACKGROUND

The Complainant is a French company specialised in the production, processing and distribution of materials for the construction and industrial markets.

It asserts to be a worldwide reference in sustainable habitat and construction markets. It takes a long-term view in order to develop products and services for its customers that facilitate sustainable construction. In this way, it designs innovative, high-performance solutions that improve habitat and everyday life.

For 350 years, the Complainant has consistently demonstrated its ability to invent products that improve the quality of life. It is now one of the top industrial groups in the world with around 46.6 billion euros in turnover in 2024 and 161,000 employees.

The disputed domain name <saint-gobaain.com> was registered on May 3, 2025 and resolves to a website under construction. It appears that MX servers have been configured.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

The Complainant owns the “SAINT-GOBAIN” trademark, which is registered worldwide as demonstrated by the evidence adduced. The Complainant’s trademark registrations in various jurisdictions also predate the registration date of the disputed domain name.

The Complainant has, therefore, established its rights in the “SAINT-GOBAIN” trademark through its trademark registrations.

The first element is not difficult to prove. The focus is to answer the question of whether the disputed domain name is identical or confusingly similar to the Complainant’s trademark.

The Complainant contends that the disputed domain name is confusingly similar to its well-known and distinctive trademark “SAINT-GOBAIN”.

Whether a disputed domain name is identical or confusingly similar to a trademark can be determined by making a side-by-side comparison with the disputed domain name. See F. Hoffmann-La Roche AG v. P Martin, WIPO Case No. D2009-0323.

A disputed domain name is identical to the trademark when it is a character for character match. It is confusingly similar when it varies the trademark by, for example, adding generic terms or additional alphabets to the dominant part of the trademark.

Here, the disputed domain name incorporates the Complainant’s “SAINT-GOBAIN” trademark in its entirety, with the addition of the letter “a” with the result that it has a double “aa”.

This is an obvious misspelling of the Complainant’s trademark by the addition of the letter “a”. Such misspelling is characteristic of a typo-squatting practice intended to create confusing similarity between a complainant’s trademark and the disputed domain name. See WIPO Jurisprudential Overview 3.0, 1.9.

Here, the Panel finds the disputed domain name is a character for character match until the single letter “a” that is added to the Complainant’s trademark. The primary element of the disputed domain name, “SAINT-GOBAAIN”, is clearly identical to the Complainant’s well-known trademark. The addition of “a” does not mitigate the risk of confusion. On the contrary, the Panel considers this as a clear indication of typo-squatting.

The Panel accepts the Complainant’s contention that the disputed domain name is confusingly similar to its trademark.

It is also trite to state that the addition of the gTLD “.com” does not add any distinctiveness to the disputed domain name and will be disregarded for the purposes of considering this ground. See WIPO Jurisprudential Overview 3.0, 1.1.

Accordingly, the Panel considers that this ground is made out.

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

A complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. Once such a prima facie case is made, the respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. See Document Technologies, Inc. v. International Electronic Communications Inc, WIPO Case No. D20000270.

If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. See Croatia Airlines d.d. v. Modern Empire Internet Ltd, WIPO Case No. D2003-0455.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts as follows:

- The Respondent is not identified in the WHOIS as the disputed domain name and is therefore not commonly known by the disputed domain name;
- The Respondent is not related in any way with the Complainant;
- The Complainant does not carry out any activity for, nor has any business with the Respondent;
- The Complainant has not granted a licence nor authorised the Respondent to make use of the Complainant's trademark or apply for the registration of the disputed domain name;
- The disputed domain name is a typo-squatted version of the Complainant's trademark;
- The disputed domain name resolves to a page under construction;
- The Respondent did not make any use of the disputed domain name, and has no demonstrable plan to use the disputed domain name.

The inference to be drawn from the Respondent's alleged conduct is that it is attempting to take advantage of internet users' typographical errors which evidences its lack of rights and legitimate interests in the disputed domain name.

The Panel accepts the uncontradicted assertions put forward by the Complainant that the Respondent is not related in any way with the Complainant, nor has the Complainant licensed or authorised the Respondent to use the "SAINT-GOBAIN" trademark. Further, there is no evidence that the Respondent is commonly known by the disputed domain name.

The Respondent has failed to file any administratively compliant response. The Panel infers this omission or failure by the Respondent as clearly not seizing on the opportunity in this proceeding to provide any evidence of legitimate non-commercial or fair use of the disputed domain name.

On the other hand, the Complainant has submitted evidence showing that the Respondent's website resolves to a page under construction and the use of MX servers.

The Panel considers that such conduct does not constitute a bona fide offering of goods or services nor a legitimate non-commercial or fair use of the disputed domain name.

The Panel accepts and finds that the Respondent has no rights or legitimate interests in the disputed domain name.

Accordingly, the Panel considers that this ground is made out.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

The Complainant must demonstrate that the disputed domain name was registered and is being used in bad faith.

The Complainant contends that the Respondent registered and is using the disputed domain name in bad faith for the following reasons:

- The disputed domain name was created recently, i.e., May 3, 2025;
- The Complainant was already extensively using its trademark worldwide well before the registration date of the disputed domain name;
- The Complainant trademark has a well-known character worldwide and has a long-standing worldwide operating website under www.saint-gobain.com;
- The Respondent obviously knew of the prior rights and wide use of the Complainant's trademark;
- The disputed domain name resolves to a page under construction, and as such has not demonstrated any activity in respect of

the disputed domain name;
- There is no plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate;
- MX servers are configured, which suggests that it may be actively used for email purposes.

The Panel accepts the uncontradicted evidence of the Complainant's well-known brand, its international trademark registration, and its global presence and reputation.

The Panel is prepared to infer that the Respondent has been fully aware of the Complainant and its "SAINT-GOBAIN" trademark when registering the disputed domain name.

The Panel is also prepared to draw the adverse inference that the Respondent registered the disputed domain name incorporating in its entirety the Complainant's trademark intentionally to take advantage of the Complainant's reputation and business goodwill. The addition of the letter "a" is likely to fool the consumer into thinking of the Complainant's "SAINT-GOBAIN" trademark.

Given the evidence adduced and the failure by the Respondent to file any administrative compliant response, the Panel finds that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services.

Accordingly, the Panel accepts that the disputed domain name was registered by the Respondent and used in bad faith.

PROCEDURAL FACTORS

Notification of proceedings to the Respondent

When forwarding a Complaint, including any annexes, electronically to the Respondent, paragraph 2 of the Rules states that CAC shall employ reasonably available means calculated to achieve actual notice to the Respondent.

Paragraphs 2(a)(i) to (iii) set out the sort of measures to be employed to discharge CAC's responsibility to achieve actual notice to the Respondent.

On June 12, 2025 the CAC by its non-standard communication stated as follows (omitting irrelevant parts):

"CAC was not able to send the written notice to the Respondent as the address provided by the Registrar in Registrar verification: "lagos, lagos, lagos, 909090, Nigeria" does not exist. The postal service provider was not able to deliver a written notice to such address.

No other address for correspondence was found on the disputed domain name

As far as the e-mail notice is concerned, CAC received a confirmation that the e-mail notice sent to <postmaster@saint-gobaain.com> was returned back non-delivered as the e-mail address had permanent fatal errors.

The e-mail notice was also sent to <allisonade08@gmail.com>, but CAC never received any proof of delivery or notification of nondelivery.

No further e-mail address could be found on the disputed site.

The Respondent never accessed the online platform nor provided any further responses."

Given the reasonable measures employed by CAC as set out in the above non-standard communication, the Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Complainant owns the trademark "SAINT-GOBAIN", and several domain names with the "SAINT-GOBAIN" trademark, including <saint-gobain.com> which are used in connection with its goods or services.

The Respondent registered the disputed domain name <saint-gobaain.com> on May 3, 2025.

The disputed domain name was registered after the Complainant's trademark "SAINT-GOBAIN" and after the domain names owned by the Complainant.

The Complainant challenges the registration of the disputed domain name under paragraph 4(a)(i) of the Uniform Dispute Resolution Policy and seeks relief that the disputed domain name be transferred to the Complainant.

The Respondent failed to file any administratively compliant response.

For the reasons articulated in the Panel's reasons above, the Complainant has satisfied the Panel of the following:

(a) The disputed domain name is confusingly similar to the Complainant's widely known trademark;

(b) The Respondent has no rights or legitimate interests in respect of the disputed domain name;

(c) The disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **saint-gobaain.com**: Transferred

PANELLISTS

Name	**William Lye OAM KC**

DATE OF PANEL DECISION 2025-06-12

Publish the Decision